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International river debate has Montanans focusing north, east and west

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Lake Koocanusa gets its name by combining the KOOtenai River, CANada and the USA.

That reservoir behind Libby Dam bisects the U.S.-Canada border, and this week, ties together several major meetings on both sides of North America. At stake is not just the fate of a huge and polluted Montana water body but the international management of one of the planet's biggest watersheds.

On Tuesday in Spokane, U.S. State Department officials keynote the Lake Roosevelt Forum on the Columbia River Treaty, which governs rivers in an area the size of France and includes Montana's Hungry Horse, Libby and Seliš Ksanka Qlispè dams. On Wednesday evening, State Department Negotiator Jill Smail holds an official town hall session to hear questions about how the treaty should be modernized and improved.

On Thursday, an entirely separate Montana delegation will be attending the bilateral U.S.-Canada discussions in Washington, D.C., where the problem of Canadian mining pollution in Lake Koocanusa (behind Libby Dam) has made the agenda. Any fix to that would likely affect the Columbia River Treaty. Unless the treaty rearranges transboundary river relations first.

Earlier this month, the British Columbia town of Sparwood just north of Montana had to shut down one of its drinking-water wells due to high levels of selenium. The pollution is a byproduct of the coal mines in the Elk River basin that flow into Koocanusa.

The Columbia River Treaty was signed in 1964 to govern flood management, irrigation and hydropower generation on the watershed that includes huge parts of British Columbia, Montana, Idaho, Washington and Oregon along with bits of Utah and Nevada.

If neither the U.S. or Canada does anything, the treaty automatically renews in 2024, with some significant changes baked in. One of those changes would leave the U.S. responsible for its own flood control.

“Right now the reservoirs in Canada are being managed like bathtubs,” said John Osborn, a Washington activist calling for modernizing the treaty. “Water levels just go up and down to serve U.S. interests. In 2024, all the flood control for places like Portland and Vancouver (Washington) that are provided by Canada now shifts to the U.S.

“That’s why the 40 percent of U.S. water storage in Montana moves from the back burner to the front burner. In a worst-case scenario, the reservoirs in Montana would be managed to make up for significant changes system-wide.”

Managing reservoirs for floods and farm irrigation often conflicts with the most efficient way to get hydroelectricity out of dams. Neither function helps fish in the rivers. And 32 U.S. Indian tribes and Canadian First Nations have laid claims for the loss of their rights

to take salmon from what used to be one of the world's largest inland spawning areas. Those claims were never considered in the original forging of the treaty.

The U.S. and Canada have decided to renegotiate the treaty. But they haven't decided how to handle the tribes' sovereign nation status or the claims by other stakeholders who want to restore wild salmon and repair other ecological and economic damage in the watershed.

Canadians built three massive dams and reservoirs in British Columbia as part of the treaty. In return for flooding the farms, forests and homes in those valleys, the U.S. pays Canada 50 percent of the money made from hydropower generation on the U.S. end of the watershed.

But then came the construction of Libby Dam on the transnational Kootenai River, which changes the calculations.

“The Kootenai flows from Montana into Canada, so we are protecting Canada from flooding,” said Rep. Mike Cuffe, R-Eureka, who also wants the treaty modernized. “We flooded our valley to keep those guys from flooding downstream. Montana should be compensated for the same reasons British Columbia is compensated.”

Cuffe adds another issue that needs change: An article in the old treaty allows Canada to divert a quarter of the Kootenai's flow into the Columbia River. While no one has actually done this, moving the water would greatly increase the amount of undiluted selenium and other pollutants from Canada's Elk River Basin coal mines. The Elk flows

into the Kootenai downstream of that potential Columbia diversion, meaning more selenium and other toxic hazards build up in the fish of Lake Koocanusa and farther downstream.

That issue has made it to the table where U.S. State Department officials will discuss bilateral issues with Global Affairs Canada on Thursday. Dave Hadden of Headwaters Montana said this marks the first time in years the Columbia River system has made the agenda.

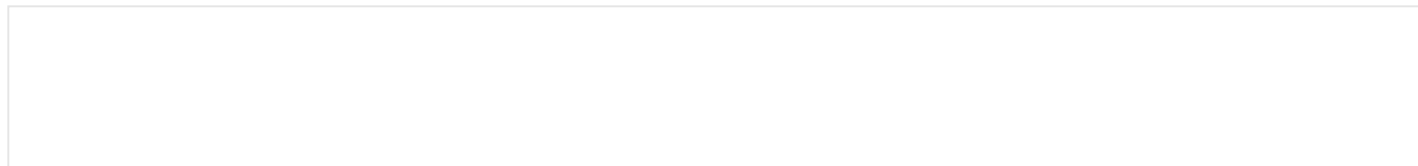
In the U.S., the Bonneville Power Administration has paid millions of dollars to mitigate fish and wildlife problems caused by its facilities in the Columbia watershed, including Hungry Horse and Libby dams.

“In the U.S., the social and environmental costs of mitigating the Kootenai River system were internalized,” said Hadden, who is in Washington, D.C. for the bilateral meeting. “Yet this pollution changes the chemistry and affects the fish, which Montana ratepayers have paid to improve over decades. We are accepting the cost of British Columbia mining by accepting the pollution flowing downstream.”

Sen. Jon Tester inserted a rider into the current federal budget omnibus bill ordering the U.S. Environmental Protection Agency to use some of its funds to produce a report on contaminants in the Kootenai by this summer. That report may provide leverage for both the treaty negotiators and the bilateral commission to make new agreements for managing the transboundary river systems, Hadden said.

“This is not something Montana and British Columbia can work out amongst themselves,” added Erin Sexton, a researcher with the Flathead Lake Biological Station who’s also following the bilateral talks at the capitol. “British Columbia doesn’t have jurisdiction over the entire river system. There are numerous tribes, first nations and federal governments involved. In that sense it’s a good thing we’ve made it to the federal agenda.”

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